

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

INTERNATIONAL UNION OF OPERATING
ENGINEERS

Plaintiff,

vs.

OHIO CONTRACTORS ASSOCIATION,

Defendant.

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CASE NO. 1:18-CV-722

OPINION & ORDER
[Resolving Doc. [6](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 26, 2018, Plaintiff International Union of Operating Engineers filed a first amended complaint challenging an arbitration award.¹ Because Plaintiff filed an amended complaint 21 days after Defendant Ohio Contractors Association filed its motion to dismiss, Plaintiff did not require the Court's permission to amend.² Accordingly, Defendant's motion to dismiss Plaintiff's original complaint is now moot.³

The Court therefore **DENIES AS MOOT** Defendant's motion to dismiss. Furthermore, the Court will determine a scheduling order for briefing on the merits at the Case Management Conference.

IT IS SO ORDERED.

Dated: May 14, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹ Doc. [6](#).

² [Fed. R. Civ. P. 15\(a\)\(1\)\(B\)](#).

³ *See, e.g., Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 & n.3 (W.D. Mich. 2008) (collecting cases).